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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/512,967 02/24/00 PYNE

C 13308/2080:3

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TM02/0328

EXAMINER

WILEY, D.

ART UNIT

PAPER NUMBER

2155  
DATE MAILED:

03/28/01

9

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

08/512,967

Applicant(s)

Pyne

Examiner

Wiley

Group Art Unit

2153

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 10/2/00.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-39 is/are pending in the application.
- ☐ Of the above claim(s) is/are withdrawn from consideration.
- ☐ Claim(s) is/are allowed.
- ☒ Claim(s) 1-39 is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 8
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

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***Reissue Applications***

1. This application is objected to under 37 CFR 1.172(a) as lacking the written consent of all assignees owning an undivided interest in the patent. The consent of the assignee must be in compliance with 37 CFR 1.172. See MPEP § 1410.01.

A proper assent of the assignee in compliance with 37 CFR 1.172 and 3.73 is required in reply to this Office action.

The applicant has filed the **PTO/SB/54** which is only proper when the assignee has ordered the reissue, it appears that the inventor has ordered this as per the declaration, therefore a **PTO/SB/53** is the proper form and is required to be submitted.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 1-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Squibb (US# 5,479,654).

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Regarding claims 1 and 16, Squibb discloses a method of transmitting data from a source to a sending computer, connect via an interface (figure 1), wherein the method includes the steps of dividing the reference file into data blocks, each block being n bytes, and associating each block with a key value determined by the data block (col 6, lines 10-24), and identifying blocks of data n bytes long in the source file, determining key values for these blocks and comparing the key blocks from the reference file to the source file (col 1, lines 56- col 2, line 43), sending an indication a match is found between the blocks to indicate the data does not need to be sent (col 5, lines 36-63), continuing the comparison of blocks from the reference and source .

Regarding claims 2 and 17, Squibb further teaches transmitting a subset of the initial block to the receiving computer (abstract, col 5, line 52 to col 6, line 8), identifying from the source a subsequent block of data n bytes , less the transmitted set, and additional data from the source (col 5, line 52 to col 6, line 8), and determining from the subsequent block a key, the source key being derived from the source key determined from the initial block of data by removing the contribution from the transmitted subset and incorporating a contribution from the additional data (col 5, line 52 to col 6, line 8).

Regarding claims 3 and 4, It is further shown that at least a portion of the key value for a block of data is computed by adding (or multiplying) the value of each byte in the block to produce a total (col 5, lines 12-50).

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Regarding claims 5-15, and 18-39, Squibb further teaches repeating steps c, d, e, and f for additional groups of data in the source until the data at the receiving unit is identical to the data at the source,

if the preceding source key did not match a reference key, to the group of source data that includes some, but not all, of the data in the preceding group of source data and also includes data not included in the preceding group, and the source key corresponds, if the preceding source key did match a reference key, to the group of source data that does not include data in the preceding group of source data (col 5, line 52 to col 6, line 8).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A. Wiley whose telephone number is (703) 308-5221. The examiner can normally be reached on Monday thru Friday from 7:00 to 4:00.

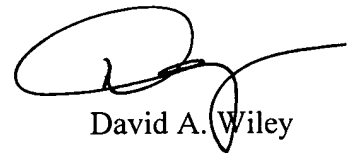
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh, can be reached on (703) 305-9648. The fax phone number for this Group is (703) 305-3718.

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Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ayza.sheikh@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.



David A. Wiley

March 26, 2001